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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,309	10/21/2003	Raphael Spero	DIG015-01	6908

7590 05/19/2005  
Stuart D. Rudoler  
22nd Floor  
1650 Arch Street  
Philadelphia, PA 19103

EXAMINER
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CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/690,309

Applicant(s)

SPERO ET AL

Examiner

Michael Cuff

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20050225.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. There are many claims that are dependent upon "claim 0". The examiner is sure that this is a clerical error. For the sake of prosecution, when the 0 is present the examiner will follow the original claim dependencies.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-12, 15-17, 20, 21, 23-27, 29-34, 37-39, 42-43, 45-49, 51-58, 61 and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Treibach-Heck et al.

Treibach-Heck et al., figure 3, shows a reporting system. The center then automatically extracts data from the form and converts it for storage and subsequent processing or review. The invention is particularly suitable for senders such as employees who need to submit time sheets, expense reports, and the like to an employer, or for automatic analysis of submitted inventory reports, product orders, etc. In one embodiment, the center acts as an automatic data collecting and reporting intermediary between the sender and an employment agency, on one hand, and

Art Unit: 3627

between the agency and a client, on the other hand, where the sender is associated with the agency but performs tasks on behalf of the client. In the cases where the form is paper (paper expense receipt), the transmission device 120 is preferably a conventional facsimile ("fax") machine. Regardless of the chosen registration and form-identification routines, once the received form image has been registered with a template, the locations of the different data fields will be then also be known. The actual data contained in the different data fields can then be extracted (processing electronic image), also using known technology, in a data extraction sub-module 433. Several methods for data extraction are known as "optical character recognition" (OCR), which typically recognizes alphanumeric symbols and converts them into corresponding ASCII (or equivalent) character sets; "intelligent character recognition" (ICR), which typically also attempts to recognize non-standard fonts and even handwriting; "optical mark recognition" (OMR), which determines whether a data field (such as a check box, rectangle, circle, etc.) is filled in or blank; and various combinations and variations of these basic concepts. The data is stored in database 503 and is accessible to the individual over network 700 based on clearance.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 13-14, 18-19, 22, 28, 35, 36, 40, 41, 44, 50, 59, 60, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al.

Treibach-Heck et al., as discussed above, shows all of the limitations of the claims except for specifying displaying reports at a web site, using encryption, and using specific display layouts.

The examiner takes Official Notice that the use of web sites in order to provide greater accessibility to information; the use of encryption in order to provide greater security; and the ability to customize display layout in order to provide greater convenience to the user are all old and well known in the IT field.

Based on the discussion above, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Treibach-Heck et al. system to incorporate the use of web sites in order to provide greater accessibility to information; the use of encryption in order to provide greater security; and the ability to customize display layout in order to provide greater convenience to the user.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-63 have been considered but are moot in view of the new ground(s) of rejection.

The examiner requests that, in the future, applicant follow the MPEP method of proper traversal of Official Notice.

Applicant's exhibit A has been received and considered. The number of units being sold each month seems a bit high for the total sales amount.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 5/16/05  
Michael Cuff  
May 16, 2005